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The Catholic Position On Abortion

REVEREND THOMAS G. DAILEY

In March, those who hoped for liberalizing New York state's 84-year old abortion law saw their bill die in committee. Everyone knows, however, that they have not given up; they will try again next year. In the meantime, it seems that an astonishing irony lies at the root of the abortion controversy: a society so attuned to the preciousness of human life that it protects the barbarity of capital punishment, condemns napalm bombing of civilians and decries inhuman jails, ought to be enlightened enough to see the inadmissibility of destroying life in the womb. The Catholic Church believes that physicians are committed to the preservation of life in the same way that governments are obligated to protect innocent life. The physician by the Hippocratic oath swears never to induce an abortion and the government by its very nature is obliged to safeguard the life of the innocent. It is partly because we assume the innocence of civilians in war that we debate its morality. It is partly because we fear executing the innocent that we question capital punishment. We have such a horror of possible error in deciding a person's guilt that a man standing with a smoking revolver over a fresh corpse is considered innocent until proven guilty in a court of law. And yet proponents of abortion would have the state legally presume a foetus guilty (as of capital crime) and subject the unborn to the sentence of death to be carried out by competent physicians.

It must be pointed out immediately that Church teaching pronounces judgment on no man's personal conscience. In this study of Catholic teaching, no statement is meant to accuse present day abortion advocates of malice. But Church teaching looks rather to the defense of the defenseless, in this case the unborn, to shield that life from any attacker even though he be in good faith.

The Catholic Church holds that life within the womb is inviolate at every stage of its development. She sums up a long and consistent tradition in these words of the *Pastoral Constitution on the Church in the Modern World*: "God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life, a ministry which must be fulfilled in a manner that is worthy of man. Therefore from the moment of its conception life must be guarded with the greatest care while abortion and infanticide are unspeakable crimes." (#51) The Church carries out the mission of Christ in proclaiming the dignity and inviolability of human life and she must oppose as evil "whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia or wilful self-destruction." (CMW, #27)

The Church's opposition to abortion goes back to the first century. The *Didache* (5.2) (A.D. 65-80) condemned abortion. The early second century *Letter of Barnabas* (19.5) declared: "You shall not kill the foetus by an abortion." Later in the same century Athenagoras (P.G.

6:969) and Clement of Alexandria (GCS 12:215) vigorously condemned all abortions. Tertullian in his *Apology* (9.8) and Cyprian in his *Epistles* (52.2) likewise declare all abortions murder.

Despite universal agreement within the Church that abortion was murder, the exact moment at which a foetus was infused with a rational soul was disputed. The overwhelming majority of theologians followed the 40-80 day development theory of Aristotle, i.e. that the male embryo was not infused with a human soul until the fortieth day of development; the female was not animated 'til the eightieth. The Aristotelian conjecture was to prevail unchallenged until modern times. Despite this presumed delay in ensoulment, however, Tertullian taught in his *Apology* (9.8): "It makes no difference whether one snatches a soul already born or interferes with its coming to birth. It is a human being and one who is to be a man . . ." And Basil wrote: "A woman who deliberately destroys a foetus is answerable for the taking of life. And any hair-splitting distinction as to its being formed (i.e., animated) or unformed is inadmissible with us." (*Letters* 188, P.G. 32:672). Thus, the Fathers taught that all life must be inviolate, and using the terms the law reserved for the killing of adults, they charged that not only the destruction of existing life, but the interruption of the life-development process was homicide. They were led to attach sanctity not only to life but to the whole embryonic development.

The 40-80 day Aristotelian ensoulment theory continued to assert great

influence on theological pronouncements. Innocent III in a particular decision, (*Sicut et Litterarum*, 1211), said that aborting a non-animated foetus was not homicide. The *Decretals* of Gregory IX (1241) affirmed the same position. However, Sixtus V in the Bull *Effraenatum* (1588) condemned all abortions at any stage of fetal development as homicide. But Gregory XIV in (1591) revoked the penalties of *Effraenatum* and reasserted the distinction between the animated and non-animated foetus. Pius IX, however, in a *Motu Proprio* in 1869 restored the rigor of *Effraenatum*: all abortions were condemned as murder.

Critics are quick to cite the above variations as weakness in the Church's conviction about abortion. Two things must be asserted however: first, that the Church could not be expected to teach her doctrines with a better biology than was offered her in those times. Consequently her teaching could only reflect what Aristotle and Galen taught regarding animation; second, that Gregory XIV revoked only the penalties of *Effraenatum*, not the teachings.

The condemnation of all abortion as murder by Pius IX is again affirmed by Pius XI in *Casti Connubii* (1930) and subsequently in numerous documents of Pius XII. His allocation on 26 Nov. 1951 is reminiscent of Tertullian and Basil in prescinding from the moment of ensoulment: "Whatever foundation there may be for the distinction between these various phases of development of life . . . all these cases involve a grave and unlawful attack upon the inviolability of human life."

We have no divine revelation on the time of animation, nor any official pronouncement of the Church. But scientists and theologians are in the vast majority convinced that it happens at the very instant the ovum is fertilized. In any case it must be pointed out with Basil and Pius XII that embryonic development is one of proximate continuity. No *human* foetus can ever be confused with that of any other species. The *human* foetus cannot develop into a cow, rabbit, or pig; it can only become a man.

Nor do those, who might still doubt whether the foetus in its early development is human, have the right to move against the life of that foetus. In response to proposed changes in Maryland's abortion laws, Cardinal Shehan recently declared that it was the hallmark of our civilization that when there was a doubt as to the presence of human life, the benefit of doubt should be given to its presence rather than its absence. One might add this illustration: Doctors do not send patients to autopsy rooms if there is the slightest doubt they might still be alive.

Can the Church in the light of pluralism withdraw from the lists? Must we concede to the defenders of abortion the right to perform them according to the dictates of their own conscience? If we now make room for the conscience of others on birth

control and divorce legislation, on what possible ground can we draw the line at abortion?

The problem with this line of thought is that it neglects to notice that the *foetus is also a party to the debate* (though it cannot speak for itself). Neither birth control nor divorce present comparable situations, for no existent life is at stake. But the foetus has the personal right to live.

The Church is keenly aware of the pain and disease and death often resultant from illegal abortion. Her heart goes out in tender compassion to these victim mothers. But Catholics must not get backed into a corner on the emotional issues. They must not find themselves in the awkward situation of being heartless legalists who prefer a metaphysical principle to a "merciful" resolution of an agonizing predicament. Rather must Catholics stand staunchly for the child as true champions of personal rights, protectors of helpless human beings whose very existence is jeopardized by those who are reluctant to admit that the unborn are human.

FATHER DAILEY, a native of New York, spent a year in parish work in Pueno Rico after ordination in 1953. Returning to Buffalo, he served in two more parishes. After higher studies in Rome, he earned a Doctorate in Sacred Theology and since 1961 has been teaching Moral Theology at St. John Vianney Seminary, E. Aurora, N. Y.